

IPJ 12/3/03

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA**VS.****CASE NO.:** __________
Defendant

GUILTY PLEA ADVICE OF RIGHTS CERTIFICATION

INSTRUCTIONS: Prior to the offer of a plea of guilty, counsel for the defendant shall personally discuss, in detail, each of the following matters with the defendant and shall indicate compliance in the appropriate places on this form. Once completed, the form shall be filed in open court at the beginning of the plea proceeding.

1. I understand that I will be placed under oath and, accordingly, my answers to the court's questions and any statement I may make will be subject to penalties for perjury or for making a false statement. If I should willfully be untruthful, I may later be prosecuted in a separate proceeding for perjury and, if convicted, may receive a separate and distinct sentence.

Done: _____ Not Done: _____

2. I understand I will be asked to state my age and how far I went in school. I understand I will also be asked whether I can read, write and understand the English language.

Done: _____ Not Done: _____

3. I have had enough time to discuss the case with my attorney and to discuss the facts of my case and my constitutional rights. I am satisfied with the services of my attorney and I have no complaints as to the way he/she has handled my case.

Done: _____ Not Done: _____

4. I understand that I will be asked whether I have, during the preceding 48 hours, have taken any drugs, prescription or otherwise, or whether I have consumed or ingested any substance, that might affect my ability to understand this plea.

Done: _____ Not Done: _____

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5. I understand that I will be asked whether I suffer from any mental or emotional impairment or physical illness that might affect my ability to understand the plea agreement or sentence proceeding. I understand that I will be asked whether anyone has promised me any reward or induced me or threatened me or anyone I'm interested in with any hurt or harm in order to get me to plead guilty or to sign this form.

Done: _____ Not Done: _____

6. I understand that the Court must be satisfied that I am pleading guilty freely, voluntarily and of my own free will. I understand that I have a duty to inform the Court if, at any time during this proceeding, I do not understand something that is said or done.

Done: _____ Not Done: _____

7. I understand that I am charged with the crime of _____
My attorney has explained to me the elements of this crime and the punishment therefore and I understand them.

Done: _____ Not Done: _____

8. I understand the mandatory minimum sentence provided by law, if any, and the maximum penalty provided by law, including the effect of any supervised release term.

Done: _____ Not Done: _____

9. I understand that any sentence imposed will be subject to the requirements of the United States Sentencing guidelines but the Court may go below or above those guidelines under some limited circumstances.

Done: _____ Not Done: _____

10. I understand that the court may require me to make restitution to any victim of the offense to which I am pleading guilty.

Done: _____ Not Done: _____

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11. If the plea agreement is for the dismissal of any of the charges pending against me (Rule 11(e)(1)(A)) or for a specific sentence (Rule 11(e)(1)(C)), I understand that the Court may accept or reject the agreement, or defer its decision until after it has considered the presentence report.

I further understand that if the plea agreement is rejected by the Court, the Court will inform me personally, in open court, that the Court is not bound by the agreement and I will be given an opportunity to withdraw my plea of guilty. If I still want to plead guilty after the Court has informed me that it does not accept the plea agreement, I understand that the sentence imposed upon me may be less favorable than that stated in the plea agreement.

I further understand that if the plea agreement is accepted, the court will include in the judgment and sentence the disposition provided in the plea agreement.

Done: _____ Not Done: _____

12. If the plea agreement is that the government will recommend, or will not oppose the defendant's request for, a particular sentence (Rule 11(e)(1)(B)), I understand that the court is not bound by the plea agreement and, if the agreement is rejected by the court, I understand that I **DO NOT** have the right to withdraw my plea of guilty.

Done: _____ Not Done: _____

13. I understand that as to each offense charged against me in the indictment, I have the right to answer or plead (a) I am not guilty; (b) I am not guilty by reason of mental disease or defect; (c) I am guilty as charged; (d) or any other special pleas.

Done: _____ Not Done: _____

14. I further understand and my lawyer has explained to me, that if I enter a plea of not guilty to the charges I have the following Constitutional rights:

(A) The right to a speedy and public trial by jury and the right to be tried before a jury of twelve people who have been selected from a panel of people whose names have been drawn at random from a cross-section of the community that comprises the Northern District of Alabama.

(B) The right to face all witnesses or accusers who testify against me and have them cross-examined by my attorney, while they testify under oath.

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(C) The right to have witnesses subpoenaed to give evidence in my favor, or to bring to Court such other evidence in my favor as I may choose.

(D) The right to testify in my own behalf. However, I understand that I do not have to testify if I choose not to testify and I understand that I cannot be forced to testify by the Court or anyone else.

(E) The right to require the United States to prove my guilt beyond a reasonable doubt on each element of the offense charged before I can be adjudged guilty. The elements of the offense of _____, with which I am charged, are as follows:

(F) That I am presumed to be innocent of the offense(s) charged until the United States proves my guilt beyond a reasonable doubt.

(G) The right to have constitutionally adequate counsel represent me at trial and on appeal if an appeal is necessary.

Done: _____ Not Done: _____

15. I further understand that if I advise the Court that I am guilty and enter a plea of guilty, that I am surrendering all of the above rights (A)-(F) listed in statement #14.

Done: _____ Not Done: _____

16. I further understand that if I plead guilty, the court may sentence me to the same punishment as if I had been convicted by a jury.

Done: _____ Not Done: _____

17. I wish to enter my plea of guilty because I am guilty. I understand that by pleading guilty there will be no jury trial and this has been explained to me.

Done: _____ Not Done: _____

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18. I understand that if I plead guilty, the only thing remaining for the court to do will be to impose the sentence. There will be no trial and I will be adjudged guilty of the charge to which I have plead guilty.

Done: _____ Not Done: _____

ACKNOWLEDGMENT OF THE DEFENDANT

I now request the Court to allow me to enter a plea of guilty to the offense of _____ as charged in the indictment in this case.

I HAVE READ THE ABOVE OR IT WAS READ TO ME AND I UNDERSTAND IT. I DO NOT HAVE ANY QUESTIONS ABOUT ANY OF MY RIGHTS AS STATED ABOVE. I AM NOT UNDER THE INFLUENCE OF DRUGS, ALCOHOL OR MEDICINE. MY SIGNATURE APPEARS BELOW.

Defendant

CERTIFICATION OF COUNSEL

As counsel of record for the above named defendant, I hereby certify that:

1. The defendant has read all of the foregoing in my presence or it has been carefully read to him by me.
2. I have explained to the defendant, in detail, the contents of this form and his Constitutional rights and he/she has stated to me that he/she understands the same.
3. I have assisted my client in completion of the foregoing form and am satisfied that the plea which he/she wishes to enter is in his/her best interest and will be entered with my advice and consent.
4. I am aware of no reason, at this time, why the defendant's plea of guilty should not be accepted.

Attorney for Defendant

Filed in open court on this the ____ day of _____, _____.